UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,378	11/03/2003	Sampo J. Kaasila	BIT01-K-US	5987

42306	7590	01/19/2006	

EDWARD W. PORTER
PORTER & ASSOCIATES
24 STRING BRIDGE S12
EXETER, NH 03833

EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/700,378	KAASILA ET AL.
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2003</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) <u>1-6,8,10,15-20 and 29-33</u> is/are rejected.
7)☒ Claim(s) <u>7,9,11-14 and 21-28</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>17 May 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: the application filed on 11/3/03,

priority 6/5/01.

2.   Claims 1-33 are pending in the case. Claims 1, 17, 32, 33 are independent

claims.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ

644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

> Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1 and 2 are provisionally rejected on the ground of nonstatutory double patenting over claim 1 of copending Application No. 10/138,923. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: accessing a web page's content including images and text strings, laying out the images and text at a horizontal and vertical position at a layout resolution, displaying the layout of the web content that is scaled down by a selected scale factor relative to a pixel resolution, at a scaled-down pixel sizes, displaying the image of a string of text with a font bitmaps having pixel sizes scaled down by the scale factor, and the shape and pixel alignment of a given character represented in the display by one of said font bitmaps have been selected as a function of the given size of said bitmap to improve the readability of said bitmap of the given character.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 15 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding claim 15, which is dependent on claim 1, it is not clear that "said screen" (line

4) is the screen of the first computer or of the second computer.

Also, it is not clear why the first computer performs the scaling down of said images, the

second computer performs said drawing of the scaled-down display, and then the

scaled down images need to be downloaded from the first computer to the second

computer whereas the second computer already has the scaled-down display of the text

images from the font bitmaps.

Further, the ";" between "digital content" and "said scaling" (line 3) is not proper. It

should be a comma.

Regarding claim 31, which is dependent on claim 30, it is unclear what Applicants mean

in "...the individual font bitmaps that will be used to compose *the string image* <u>said

display computer</u>" (lines 5-6). Also, it is unclear whether there is one missing step after

performing step because the sentence is ended with the word "and" and a period.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-4, 10, 16, 20, 32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Mott et al. (US Pat No. 6,326,970, 12/4/01, filed 10/2/98).

Regarding independent claim 1 and its dependent claim 2, Mott discloses:

- accessing said digital content of a web page including images and text strings

  (figure 1A, col 2, line 59 to col 3, line 37, col 4, lines 8-31)

- laying out said images and text a virtual pixel resolution using layout pixel sizes

  for said image and text, so as to assign a horizontal and vertical virtual position in

  said layout to each of said images and each portion of a string of text displayed

  on a given line (figures 1B, 2, col 5, lines 10-40)

- drawing at least a portion of said layout on said screen, wherein:

  o   the displayed portion of the layout has a displayed pixel resolution that is

      scaled down by a scale factor relative to the pixel resolution of said portion

      in the layout performed at said virtual pixel resolution (figure 2, col 2, lines

      59 to col 3, line 19, col 6, lines 56-67)

o images and text in said displayed portion of the layout are shown at pixel coordinates that correspond to the positions of said images and text in the layout, as scaled down by said scale factor (figure 2, abstract, col 2, line 59 to col 3, line 19)

o the images and text are drawn in said display at scaled-down pixel sizes that correspond to the pixel sizes (col 6, line 56 to col 7, line 20)

Regarding claim 3, which is dependent on claim 2, Mott discloses that the layout image sizes at which images are laid out in said web pages are sizes of said images specified by the content of said web page (abstract, figure 2: images whose total width of the cells are within the specified threshold are displayed with the same sizes specified by the content of the web page since no reduction is necessary).

Regarding claim 4, which is dependent on claim 2, Mott discloses:

- allowing a user to select to have said scaled-down display of a given layout performed at different scale factors (col 5, line 10 to col 6, line 65)

- using different font-sizes in said scaled-down display for similar text at different select scale factors (figure 1B, col 1, line 60 to col 2, line 18)

- the shape and pixel alignment of corresponding characters in the font bitmaps of such different font sizes are different to improve readability of font bitmaps at each of such different font sizes (col 6, line 66 to col 7, line 20)

Regarding claim 10, which is dependent on claim 2, Mott discloses different portions of text specified by the web page as being different types of text that are commonly displayed with different size fonts are represented with fonts of the same size before performing said layout and display to allow a greater quantity of readable text to fit in the scaled-down display (col 7, lines 10-20).

Regarding claim 16, which is dependent on claim 1, Mott discloses:

-    said digital content is a screen image produced at said virtual resolution by one or more application program (col 1, line 60 to col 2, line 19)

-    said scaled-down display shows said portion of said screen image with the images and text of said screen and their positions scaled down by said scale factor (col 7, line 39 to col 8, line 39)

Regarding claim 20, which is dependent on claim 17, Mott discloses:

-    allowing a user to select to have said scaled-down display of a given layout performed at different scale factors (col 5, line 10 to col 6, line 65)

-    the scaled-down pixel size at which each image is shown in displays performed at different scale factor varies as a function of said different scale factors (col 6, line 51 to col 7, line 9)

-    the sizes of the font bitmaps shown in said string images in displays performed at different scale factors varies as a function of said different scale factors (figure 1B, col 1, line 60 to col 2, line 18)

- the shape and pixel alignment of corresponding characters in the font bitmaps of

   such different font sizes are different to improve readability of font bitmaps at

   each of such different font sizes (col 6, line 66 to col 7, line 20)

Claim 32 is a system of method claim 1, and is rejected under the same rationale.

8.   Claims 17-19, 29, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rohrabaugh et al. (US Pat App Pub No. 2005/0132286, 6/16/05, priority 6/12/00).

Regarding independent claim 17, Rohrabaugh discloses:

- accessing the web page including one or more images and one or more text

   strings (figures 7A-B, 8A-B, [0051])

- displaying in a landscape orientation, in a scaled-down manner, a portion of said

   web page, including at least some of images and text strings (figures 7A-B, 8A-B,

   [0058], [0064])

- performing said displaying on a screen of a computer having an operating

   system that displays an associated graphical user interface on said screen in a

   portrait orientation (figures 7A-B, 8A-B, [0102])

- wherein the scaled-down displaying of said web page includes:

   o displaying a given image at a scaled-down pixel size (figures 7A-B, 8A-B,

      [0088], [0094])

o displaying a given text string with a string image composed on said

computer from a plurality of font bitmaps corresponding to the characters

of said string when displayed in said landscape orientation ([0098]-[0102])

o the shape and pixel alignment of a given character represented in said

display by one of said font bitmaps have been selected as a function of a

given size of said bitmap to improve the readability of said bitmap at said

given bitmap size ([0079], [0080],[0096]-[0098])

Regarding claims 18-19, which are dependent on claim 17, Rohrabaugh discloses that

the operating system can only display said graphical interface on said screen in said

portrait orientation or in either said portrait or said landscape orientation [0102]).

Regarding claim 29, which is dependent on claim 17, Rohrabaugh discloses that said

computer is a handheld device (figures 7A-B, 8A-B).

Regarding claim 30, which is dependent on claim 17, Rohrabaugh discloses:

- the computer on which said scaled-down display is shown requests a web page

from a remote computer over a computer network (figures 2A-C, 3)

- said remote computer accesses said web page

- said remote computer lays said web page out to determine relative position

corresponding to the relative positions at which said images, strings, and links

are to be displayed (figures 2A-C, 7A-C)

- said remote computer downloads said images, strings, links, and relative

    positions over said computer network to said display computer (figures 2A-C, 7A-

    C)

- said display computer draws said images, strings, and links at relative positions

    on said screen determined as a function of said downloaded relative positions

    (figures 2A-C, [0078]-[0080])

Regarding claim 31, which is dependent on claim 30, Rohrabaugh discloses that said

remote computer:

- scales down each of said displayed images to said scaled-down pixel size and

    downloads said scaled-down image to the display computer ([0078], [0095]-

    [0098])

- performs said layout based on a font metrics determined for each strings as a

    function of the size of the individual font bitmaps the will be used to compose the

    string image said display computer ([0098], [0094]-[0095])

Claim 33 is a system of method claim 17, and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott as applied to claim 2 above, and further in view of Betrisey et al. (US Pat App Pub No 2001/0048764, 12/6/01, filed 7/30/99).

Regarding claim 5, which is dependent on claim 2, Mott does not disclose that said scaled-down pixel sizes include font sizes of 8 pixels per em or less.

Betrisey discloses scaling fonts so that a character size in em square can be converted to values in the pixel coordinate system ([0035]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Betrisey to include the font size of 8 pixels per em or less since the scaling fonts feature in Betrisy suggests scaling the font size to a desired pixel size. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Betrisey into Mott for obtaining the font size of 8 pixels per em or less when scaling font for providing the readability of a document content to users.

Regarding claim 6, which is dependent on claim 5, Mott does not disclose that the character shapes represented by font bitmaps of said pixel size of 8 pixels per em or less have been hinted for improved readability at such size.

Betrisey discloses scaling fonts so that a character size in em square can be converted to values in the pixel coordinate system ([0035]).

It would have been obvious to one of ordinary skill in the art at the time of the invention
was made to have modified Betrisey to include the characters shapes represented by
font bitmaps of 8 pixels per em or less since the scaling fonts feature in Betrisy
suggests the pixel size of a character after scaling. Also, it would have been obvious to
one of ordinary skill in the art at the time of the invention was made to have combined
Betrisey into Mott for obtaining the font size of 8 pixels per em or less when scaling font
for providing the readability of a document content to users.

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mott as
applied to claim 2 above, and further in view of Rohrabaugh et al. (US Pat App Pub No
2005/0132286, 6/16/05, priority 6/12/00).

Regarding claim 8, which is dependent on claim 2, Mott discloses displaying a HTML
web page on a television display screen (col 2, lines 59-62).

Mott does not disclose:

- said screen is part of a computer having an operating system that displays digital
  content, including text strings composed on said computer from individual font
  bitmaps, on said screen in a portrait orientation

- said scaled-down display of a portion said layout is drawn on said screen in a
  landscape orientation

- wherein said composing of text from individual font bitmaps composes text in a landscape orientation using font bitmaps having a landscape orientation relative to said screen

Rohrabaugh discloses:

- said screen is part of a computer having an operating system that displays digital content, including text strings composed on said computer from individual font bitmaps, on said screen in a portrait orientation (figures 2A-C, [0088], [0102])

- said scaled-down display of a portion said layout is drawn on said screen in a landscape orientation (figures 2A-C, 6, [0102])

- wherein said composing of text from individual font bitmaps composes text in a landscape orientation using font bitmaps having a landscape orientation relative to said screen ([0088], [0098], [0012])

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Rohrabaugh into Mott since Rohrabaugh teaches displaying the content of a web page including text and graphics according to a scale factor and font bitmaps and in a portrait orientation and a landscape orientation providing the advantage to incorporate into Mott for effectively delivering to users an easily readable web page though on a small display.

12.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mott as applied to claim 2 above, and further in view of Blumberg (US Pat App Pub No 2004/0205546, 10/14/04, priority 3/11/99).

Regarding claim 15, which is dependent on claim 1, Mott discloses:

- a first computer device performs said accessing of the digital content, laying out

  of said digital content, said scaling down of said images (see claim 1)

- said coordinates of images and text produced as result of said layout, said scaled

  down images (see claim 1)

Mott does not disclose:

- a second computer device has said screen and performs said drawing of the

  scaled-down display on said screen, including the composing of text images form

  font bitmaps

- said text contained in said digital content are downloaded from said first

  computer to said second computer

Blumberg discloses a scalable document on a server computer, which is the first

computer, and said scaled document is downloaded to the client computer, which is the

second computer ([0099]).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Blumberg into Mott since Blumberg downloading a scaled

document from the server computer to the client computer providing the advantage to

incorporate into Mott for transmitting a scaled document to a remote computer for

conveniently displaying a content image on a smaller screen.

Allowable Subject Matter

13.   Claims 7, 9, 11-14, 21-28 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

DeLorme et al. (US Pat No 6,321,158, 11/20/01, filed 8/31/98).

Rappaport et al. (US Pat No 6,971,063, 11/29/05, filed 7/28/00).

Qureshi et al. (US Pat No 6,456,305, 9/24/02, filed 3/18/99).

Tanaka et al. (US Pat No 6,363,395, 3/26/02, filed 6/15/00).

Clark et al. (US Pat App Pub No 2001/0011308, 8/2/01, filed 10/20/98).

Hayes Ubillos (US Pat App Pub No 2003/0016248, 1/23/03, priority 4/7/99).

White et al. (US Pat App Pub No 2002/0021308, 2/21/02, priority 9/26/00).

Baar et al. (US Pat App Pub No 2005/0041046, 2/24/05, priority 10/18/01).

Pallakoff (US Pat App Pub No 2002/0151283, 10/17/02, priority 4/2/01).

Smith et al., Scalable Multimedia Delivery for Pervasive Computing, ACM 1999, pages

131-140.

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Primary Examiner
Art Unit 2178
12/29/05